

AMENDED IN SENATE SEPTEMBER 1, 2011

AMENDED IN SENATE AUGUST 15, 2011

**Senate Joint Resolution**

**No. 10**

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**Introduced by Senator De León**

**(Coauthors: Senators Hancock, Hernandez, Padilla, Pavley, and Vargas)**

(Coauthors: Assembly Members Alejo, Allen, Bonilla, Bradford, Cedillo, Davis, Eng, Roger Hernández, Hueso, Huffman, Lara, Mendoza, Perea, V. Manuel Pérez, Solorio, Swanson, and Torres)

July 5, 2011

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Senate Joint Resolution No. 10—Relative to firearms trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as amended, De León. Firearms trafficking.

This measure would urge the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms into Mexico, that includes, among other things, enhanced collaboration among local, state, and federal agencies, the allocation of a permanent source of federal funding to sustain local and state law enforcement operations to combat firearms trafficking and other border-related crimes, the redirection of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Immigration and Customs Enforcement, and United States Customs and Border Protection resources towards this effort, reenactment of a strong federal assault weapons ban, and stronger federal authority to crack down on corrupt gun dealers.

Fiscal committee: no.

1 WHEREAS, The rise of firearms trafficking from the United  
2 States into Mexico has fueled the terrorism of both United States  
3 and Mexican citizens by Mexican drug trafficking organizations  
4 (DTOs), that has devastated thousands of families who have lost  
5 loved ones to violence on both sides of the border; and

6 WHEREAS, Since the start of Mexican President Felipe  
7 Calderon's administration in December 2006, the Mexican law  
8 enforcement agencies have confiscated 102,600 handguns and  
9 rifles as of March 10, 2011, and Mexican security forces have  
10 seized 11,849 grenades and 10.6 million rounds of ammunition;  
11 and

12 WHEREAS, Violence along the United States-Mexico border  
13 has escalated dramatically as President Calderon has aggressively  
14 fought the growing power of Mexican DTOs and approximately  
15 34,612 people have been killed as a result of organized  
16 crime-related violence in Mexico; and

17 WHEREAS, In a report by the United States Government  
18 Accountability Office (GAO), United States officials note that  
19 violence associated with Mexican DTOs poses a serious challenge  
20 for United States law enforcement and particularly given the  
21 increased level of criminal activity in the southwestern United  
22 States, violence threatens the safety of citizens on both sides of  
23 the border; and

24 WHEREAS, In May 2010, the Mexican government stated that  
25 of the 75,000 illegal firearms it seized in the last three years, about  
26 80 percent—60,000 firearms—came from the United States; and

27 WHEREAS, Estimates of guns flowing into Mexico from the  
28 United States are as high as 2,000 guns every day, a staggering  
29 statistic given that Mexico has only approximately 6,000 legally  
30 registered guns; and

31 WHEREAS, The ~~United States~~ *federal* Bureau of Alcohol,  
32 Tobacco, Firearms and Explosives (ATF), as of May 2010, has  
33 processed 69,808 firearm trace requests from Mexico and it appears  
34 that a majority of these firearms have a nexus to the United States;  
35 and

36 WHEREAS, There are an estimated 8,479 licensed United States  
37 gun dealers operating along the United States-Mexico border and  
38 according to several ATF officials, individuals or groups engage  
39 in straw purchasing on a regular basis as part of a scheme to traffic  
40 United States firearms into Mexico; and

1 WHEREAS, The ATF reports that 87 percent of firearms seized  
2 by Mexican authorities and traced over the last five years originated  
3 in the United States, that approximately 68 percent of these illegal  
4 firearms were manufactured in the United States, and  
5 approximately 19 percent were manufactured in other countries  
6 and then imported into the United States before being trafficked  
7 into Mexico; and

8 WHEREAS, ATF officials state that the most common method  
9 of transporting firearms illegally across the United States-Mexico  
10 border is by vehicle using United States highways, and that an  
11 opportune time to catch firearm smugglers is following a United  
12 States gun show in Arizona or Texas; and

13 WHEREAS, Local and state law enforcement agencies are often  
14 the first responders to the scene of a crime, and have had to deploy  
15 and devote ever-increasing numbers of officers, equipment, and  
16 other resources to address the crimes associated with the DTOs  
17 and their firearm trafficking activities; and

18 WHEREAS, Despite increasingly scarce resources, local and  
19 state law enforcement agencies have implemented a proactive,  
20 cost-effective, and successful border crime initiative that highlights  
21 collaboration among all levels of law enforcement—local, state,  
22 and federal—and includes the judicious leveraging and sharing of  
23 intelligence, equipment, and personnel to combat illegal firearm  
24 trafficking and other border-related crimes; and

25 WHEREAS, Since 2006, 14 United States Custom and Border  
26 Patrol (CBP) Agents have been killed along the border of Mexico,  
27 most recently Agent Brian Terry, who was killed on December  
28 15, 2010, by being shot with an AK-47; and

29 WHEREAS, In February 2011, ~~ICE~~ *United States Immigration*  
30 *and Customs Enforcement* Special Agent Jaime Zapata was shot  
31 and killed and another federal agent was wounded in an ambush  
32 by Mexican drug gang members at a fake military checkpoint on  
33 a Mexican highway north of Mexico City; and

34 WHEREAS, DTOs have escalated the use of firearms to attack  
35 and intimidate high level Mexican law enforcement figures,  
36 including directors of federal agencies, politicians, journalists,  
37 businesses, and the general public; and

38 WHEREAS, Mexican government officials report that since  
39 December 2006, a total of 915 municipal police, 698 state police,  
40 and 463 federal agents have been killed by Mexican organized

1 crime groups—(OCGs), and between 1999 and 2009, 32 news  
2 reporters or editors were killed and an additional nine disappeared;  
3 and

4 WHEREAS, On June 28, 2010, a leading Mexican gubernatorial  
5 candidate, Rodolfo Torre Cantu, was killed by gunfire in  
6 Tamaulipas, just days before the July 4, 2010, elections, and in  
7 late 2008, Armando Rodriguez, a crime reporter for El Diario de  
8 Juárez, was shot in the head by a 9mm as he drove his daughter  
9 to school; and

10 WHEREAS, In June 2008, Edgar Millan Gomez, acting director  
11 of the federal preventive police was assassinated in his own home  
12 by a man wielding two 9mm pistols one week after holding a press  
13 conference in Cuiliacán to announce the arrests of 12 hit men  
14 working for the Sinaloa Cartel and that same day, Roberto Velasco,  
15 one of the directors of the federal organized crime unit, was shot  
16 and killed in Mexico City, and the next day Jose Aristeo, chief of  
17 staff for the federal preventive police, was shot and killed in the  
18 same city; and

19 WHEREAS, United States citizens have also been terrorized  
20 by the violence associated with United States firearms trafficking  
21 and Mexican DTOs. For example, in May 2010, a Phoenix  
22 businessman leading a hunting expedition in Sonora, Mexico was  
23 found shot dead by an AK-47, in February 2010, United States  
24 and Mexican citizens waiting to cross into Mexico from Nogales,  
25 Arizona were trapped in a firefight that erupted in the nearby plaza,  
26 in the spring of 2008 American tourists returning through the  
27 Lukeville port of entry were trapped by gunfire while waiting in  
28 line, and a woman from Nogales, Arizona was shot and killed by  
29 AK-47 gunfire at a fake military checkpoint on a Mexican interstate  
30 in Sonora; and

31 WHEREAS, In July 2011, the United States Department of  
32 Justice announced a new federal policy that would require all  
33 United States gun stores in southwest border states to submit a  
34 report to ATF when an individual purchases two or more rifles,  
35 including assault rifles, within five business days; and

36 WHEREAS, Following the expiration of the Federal Assault  
37 Weapons Ban in 2004, it has become easier to purchase  
38 high-powered assault weapons and the United States Department  
39 of Justice, Office of the Inspector General has reported that 48  
40 percent of crime guns recovered and traced in Mexico in 2009

1 were long guns, up from 20 percent in 2004 and recent data also  
2 shows a surge in seizures of assault rifles and .50 caliber guns.  
3 According to the ATF, the drug cartels tend to favor military-style  
4 assault weapons such as AK-47s, AR-15s, and FN 5.7mm caliber  
5 pistols, known in Mexico as “cop killers” because they can pierce  
6 body armor; and

7 WHEREAS, The United States is now experiencing an era in  
8 which the number of illegal border crossings have decreased over  
9 the last decade yet drug-related violence and the trafficking of  
10 United States firearms into Mexico has skyrocketed; now,  
11 therefore, be it

12 *Resolved by the Senate and the Assembly of the State of*  
13 *California, jointly*, That the Legislature urges the President and  
14 the Congress of the United States to pursue a comprehensive  
15 approach to stem the trafficking of illicit United States firearms  
16 into Mexico, that includes as its centerpiece enhanced collaboration  
17 among local, state, and federal law enforcement agencies to  
18 coordinate the interdiction of illegal firearms trafficking and the  
19 implementation of associated border security policies and  
20 operations in an integrated manner, the allocation of a permanent  
21 source of federal funding to sustain local and state law enforcement  
22 operations to combat firearms trafficking and other border-related  
23 crimes, the redirection of ~~United States~~ *federal Bureau of Alcohol,*  
24 *Tobacco, Firearms and Explosives (ATF), United States*  
25 *Immigration and Customs Enforcement, and United States Customs*  
26 *and Border Protection* resources towards this effort, reenactment  
27 of a strong federal assault weapons ban, along with a ban on  
28 high-capacity ammunition magazines, stronger federal authority  
29 to crack down on corrupt gun dealers, extending Brady criminal  
30 background checks to all gun sales, including all sales at gun shows  
31 to prevent firearms trafficking, and the maintenance of firearm  
32 purchase records to help law enforcement track down armed  
33 criminals and solve gun crimes; and be it further

34 *Resolved*, That the Secretary of the Senate transmit copies of  
35 this resolution to the President and Vice President of the United  
36 States, to the Speaker of the House of Representatives, to the  
37 Majority Leader of the Senate, to each Senator and Representative

- 1 from California in the Congress of the United States, and to the
- 2 author for appropriate distribution.

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